

IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1860.—Ordered to be printed.

Mr. SIMMONS made the following

REPORT.

[To accompany Bill S. 392.]

The Committee on Claims, to whom was referred the memorial of Joseph C. G. Kennedy, in relation to his compensation as superintending clerk on the census, report:

That this claim was carefully considered by the Senate Committee on Claims in the Thirty-fourth and Thirty-fifth Congresses, and has had the favorable action of the Senate in the passage of a bill similar to the one wherewith the committee accompany this report.

The facts in the case, which are detailed at some length in previous reports, are simply these: Mr. Kennedy, in accordance with the decision of the Secretary of the Interior, and the opinion of the Attorney General, was paid compensation at the rate of \$3,000 per annum. He had performed the duty of Secretary of the Census Board, whereof the compensation fixed by law was \$3,000, and that of superintending clerk, the compensation of which was \$2,500.

The Comptroller of the Treasury passed the accounts of the disbursing agent wherein this allowance of \$3,000 was recognized, but subsequently charged Mr. Kennedy on the books of the Treasury with \$500 per annum, on the ground that he had received too large a compensation, and on that plea directed the Clerk of the House of Representatives to withhold from said Kennedy certain compensation due him as clerk of the Committee of Foreign Affairs of the House of Representatives, which the petitioner has not yet received. Congress subsequently, by the act of April 22, 1854, (10 Stat., 276) definitely established the salary of the superintending clerk at \$3,000 per annum, which was received by the successor of Mr. Kennedy. This is the compensation asked for by the petitioner. In view of all the circumstances, the committee are of opinion that the sum ultimately fixed upon as a proper compensation for the duties of the office, namely, \$3,000 a year, is a reasonable one, and that the memorialist is fairly and equitably entitled to that rate of compensation; and they report a bill accordingly.

